

THE STATE OF TEXAS §
COUNTY OF BEXAR §

POWER OF ATTORNEY AND FEE CONTRACT
WITH RETAINER

THIS AGREEMENT is made at San Antonio, Texas, between the undersigned client(s) and the PONCIO LAW OFFICES, P.C., Attorneys-at-Law, 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550, hereinafter referred to as Law Firm or Attorneys.

In consideration of the mutual promises herein contained, client(s) and the Law Firm agree as follows:

I.
PURPOSE OF REPRESENTATION

1.01 Each Client hereby retains the PONCIO LAW OFFICES, P.C. to fully prosecute all claims against all necessary defendants arising out of her/his claims regarding discrimination, wrongful termination, constructive discharge, retaliation and/ or unpaid wages which occurred involving Michael Espinosa and Stevens Tanker Division in Wilson County, Stockdale, Texas, and to litigate or compromise and settle all claims accruing out of said event(s).

II.
ATTORNEY'S FEES AND LITIGATION EXPENSES

2.01 In consideration of services rendered by the Law Firm, the Client hereby agrees to pay the Law Firm thirty-three and one-third percent (33 1/3%) of the gross amount of any settlement or judgment collected herein, in addition to the client's agreement to pay an initial non-refundable cash retainer of ~~\$750.00~~ ^{\$50.00} and a non-refundable cash filing fee of ~~\$500.00~~ ^{\$200.00}, for the evaluation and preparation of the suit and file in the matter.

2.02 In consideration of services rendered by the Law Firm, the Client hereby agrees to pay the Law Firm forty (40%) of the gross amount of any settlement or judgment collected herein in the event that it becomes necessary to file a lawsuit or arbitration on Client's behalf.

2.03 Any decision to represent Client in a post-trial or post-judgment appeal shall be within the



P000011

sole discretion of counsel, and the inclusion of this provision shall not be interpreted as any agreement that counsel will represent you, or has agreed to represent you, in connection with any appeal. The percentage interests assigned to counsel are based on gross settlement funds or the gross amount of judgment. This would include all amounts recovered, including, but not limited to all actual and/or compensatory damages, punitive and/or exemplary damages, interest and any attorney's fees awarded by the court or agreed to be paid by the Defendant(s). It is understood and agreed that in the event that attorney's fees are awarded by the court by judgment or otherwise, the compensation granted to counsel shall be greater of the following: 1. The attorney's fees awarded by the Court (or arbitrator); or 2. The amount of attorney's fees the Defendant(s) agree(s) to pay on your behalf; or 3. The percentages set forth above, in addition to case related expenses..


INITIALS

2.04 Client(s) hereby further agrees to reimburse the Law Firm for any and all expenses incurred by said Law Firm for expenses, including, but not limited to, court costs, bonds, deposition fees, transcript fees, reprographic fees, expert witness fees, structured settlement specialists, subpoena fees, travel expenses, investigation fees, telephone expenses, medical record fees, medical consultation fees, expert consultation fees, photography costs, witness fees, graphics artists fees, demonstrative evidence costs, and any other expenses which the Attorney, in his/her professional judgment determines to be necessary in the proper prosecution of this case. Client understands that for purposes of this Agreement, the Firm will be reimbursed as an expense any and all "Amounts advanced by this firm to pay the costs of prosecuting or defending a claim or action or otherwise protecting or promoting the client's interests and said advance will bear interest at the **lesser** of (i) the Bank Rate Monitor National Index for personal loans effective on the date of the initial advance and (ii) the highest lawful rate allowed by applicable law." Such expenses will be paid by client and/or client agrees to forward funds to attorneys for said expenses within fourteen days of the

request for payment or reimbursement of said expenses. Client agrees to immediately provide a non-refundable payment of ~~\$750.00~~ ^{\$50.00} to cover the initial meeting, evaluation and preparation of the file in the matter. MA

INITIALS

2.05 It is expressly understood that the Client(s) shall not be liable nor responsible for any attorney fee of litigation in the event no monetary recovery is realized. Client understands that the initial non-refundable retainer is considered earned at the first meeting and will be immediately deposited and used by the attorney in the matter and is non-refundable. MA

INITIALS

III. ASSIGNMENT OF INTEREST

3.01 In consideration of Attorneys' services, the Client(s) hereby sells, conveys, and assigns to the Law Firm an interest, to the extent herein indicated in Section 2, to the Client's claim and cause of action, and in any action, compromise, settlement, judgment, payment of services, profits or recovery by whatever means thereon.

3.02 All sums due and to become due are payable at the Law Firm's office in Bexar County, Texas.

IV. APPROVAL NECESSARY FOR SETTLEMENT

4.01 No settlement of any nature shall be made for any of the aforesaid claims or profits of the Client(s) without the complete approval of the Client(s), nor shall the Client(s) obtain any settlement on the aforesaid claims without the complete approval of the Attorney.

4.02 Attorney is hereby granted a limited power of attorney so that he/she may have full authority to prepare, fully execute, sign and file all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to conclude this representation, including settlement and/or reduce to possession any and all monies or other things of value due to the Client under this claim

as fully as the Client could do so in person.

**V.
REPRESENTATIONS**

5.01 It is understood and agreed that the Attorney cannot warrant or guarantee the outcome of the case and the Attorney has not represented to the Client(s) that the Client(s) will recover all or any of the funds so desired. The Client(s) has also been informed that obtaining a judgment does not guarantee that the opposing party will satisfy the judgment.

**VI.
WITHDRAWAL OF REPRESENTATION**

6.01 The Attorney may, at his/her discretion, withdraw from the case and cease to represent the Client(s) for any reason, including without limitation for the following reasons:

(a) client(s) failure to follow Attorney's advice concerning settlement, (b) a conflict of interest develops between the Client and the Attorney, and/or (c) the Attorney determines that in his/her judgment the case has small probability of success.

The Attorney shall retain a lien on client's cause of action for the attorney fees and litigation expenses: (a) when Client(s) fails to follow Attorney's advice concerning settlement, and (b) in the event Client(s) were to terminate the services of the Attorney without just cause.

**VII.
ASSOCIATION OF OTHER ATTORNEYS**

7.01 The Attorney may, at his/her sole discretion, associate any other Attorney(s) in the representation of the aforesaid claims of the Client(s) and/or assign this case to another attorney for preparation and litigation. Client(s) understand and agree that the case will be handled, developed and litigated by the PONCIO LAW OFFICES, P.C., and the client fully accepts and consents to same.

**VIII.
TEXAS LAW TO APPLY**

8.01 This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bexar County, Texas.

MM
INITIALS

**IX.
PARTIES BOUND**

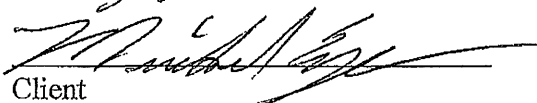
9.01 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.

**X.
LEGAL CONSTRUCTION**


10.01 In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

I certify and acknowledge that I have had the opportunity to read this agreement and/or confer with counsel of my choosing regarding the agreement. I further state that I have voluntarily entered into this agreement fully aware of its terms and conditions and fully agree with said terms and conditions.

SIGNED and ACCEPTED this 12th day of August, 2015.


Client

Client


Law Firm

PONCIO LAW
A PROFESSIONAL CORPORATION

ADAM PONCIO*
ATTORNEY AT LAW

*BOARD CERTIFIED - CIVIL APPELLATE LAW

TEXAS BOARD OF LEGAL SPECIALIZATION

*BOARD CERTIFIED - LABOR AND EMPLOYMENT LAW

TEXAS BOARD OF LEGAL SPECIALIZATION

THOMAS N. CAMMACK, III**
ATTORNEY AT LAW

**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880

tcammack@ponciolaw.com

March 24, 2016

VIA FIRST CLASS MAIL

Dustin Tinney
3804 Greenwood Rd.
Weatherford, Tx 76088

RE: Cause No.: 5:15-CV-00879-XR; *Michael Espinosa vs. Stevens Tanker Division, LLC;*
In the United States District court-Western District of Texas.

Dear Sir/Madam:

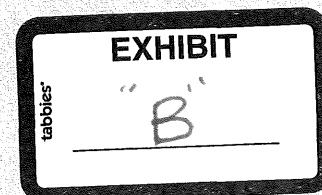
A case was recently filed against Stevens Tanker Division, LLC for unpaid time and wages owed to Michael Espinosa, a former dispatcher for Stevens Tanker. As we know, dispatchers were generally paid for one week on and one week off but were not paid for all time worked over forty hours for the weeks that they were on duty. Mr. Espinosa estimates he worked 80 to 100 hours during the work week and would be due unpaid overtime for all the hours worked in excess of 40 hours. As a result, we are asserting a claim for any potential unpaid overtime owed to its present and former employees. You have been identified as a present or former employee.

I would like to discuss your employment with Steven Tanker and your work schedule and work performed and job duties. Under the Fair Labor Standards Act, an employee would be entitled to recovery of unpaid overtime worked in excess of 40 hours during a week and also would be entitled to an equal amount in liquidated damages. In other words, whatever overtime is owed *is doubled under the law*. The employee would be entitled to recovery of two years of unpaid overtime and liquidated damages and three years of recovery if the court finds that the conduct is *willful*, in addition to attorney's fees.

We would like to discuss the employment and work practices of Stevens Tanker. Please contact me at your convenience by phone or by email at salaw@msn.com or Chris McJunkin at cmcjunkin@stx.rr.com and identify yourself as a present or former Stevens Tanker employee. My firm or attorney Chris McJunkin will contact you. If you have any questions, please do not hesitate to contact me.

Very Truly yours,

PONCIO LAW OFFICES
A Professional Corporation



From: Bruce Dean <bdean@stevenstransport.com>
Sent: Friday, August 19, 2016 3:11 PM
To: 'Adam Poncio'; Stephen Key
Subject: RE: Espinosa 8/18 status hearing

No Adam. That is not what I said or meant. I said I would be able to review the information. I have communicated with Mr. Key. Mr. Key will respond to you.

Bruce Dean
General Counsel
214.647.3752 (direct)
972.289.2187 (fax)

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Stevens Transport, Inc | 9757 Military Pkwy Dallas, Texas 75227 Toll Free 800-806-4917 | main 972-216-9000

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From: Adam Poncio [mailto:SALAW@msn.com]

Sent: Friday, August 19, 2016 3:10 PM

To: bdean <bdean@stevenstransport.com>; skey@keyharrington.com; jfreeman@keyharrington.com

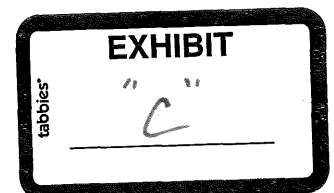
Cc: Chris McJunkin <cmcjunkin@stx.rr.com>; Angela Maldonado <amaldonado@ponciolaw.com>

Subject: Re: Espinosa 8/18 status hearing

Bruce indicated he would have proposed changes to notice to me by 3, as indicated in his email below. I am assuming there are no changes and will process the mailout and then compare it to the prior list once Defendant fulfills its obligation to provide me with a list by today

Adam Poncio
Board Certified-Labor and Employment Law Board Certified-Civil Appellate Law Texas Board of Legal Specialization

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
(210) 212-7979 Telephone



(210) 212-5880 Facsimile

From: bdean <bdean@stevenstransport.com<mailto:bdean@stevenstransport.com>>
Sent: Friday, August 19, 2016 1:48 PM
To: Adam Poncio; Stephen Key; John Freeman
Subject: Re: Espinosa 8/18 status hearing

Stop Adam. I am travelling and will review proposed changes by 3:00. There is no agreement. If you send out your notice without Tanker's agreement, you will be violating the Court's order.

Sent on a Sprint Samsung Galaxy S® III

----- Original message -----

From: Adam Poncio
Date: 08/19/2016 1:43 PM (GMT-06:00)
To: John Freeman , skey@keyharrington.com<mailto:skey@keyharrington.com>
Cc: Bruce Dean , Chris McJunkin , Angela Maldonado
Subject: Re: Espinosa 8/18 status hearing

I did confer. On the 15th, you emailed me you were getting me proposed changes on that day. Seeing none, I finalized the docs and prepped the mailout. We close at 3 on Fridays so I need any changes by 230 or will mail it out as it has been prepared, based on your prior representation and no response on the 15th

I forwarded you your email from the 15th this morning so you could see what you represented. I do not need to pay overtime to my staff because you have now changed your mind

Adam Poncio
Board Certified-Labor and Employment Law Board Certified-Civil Appellate Law Texas Board of Legal Specialization

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
(210) 212-7979 Telephone
(210) 212-5880 Facsimile

From: John Freeman <jfreeman@keyharrington.com<mailto:jfreeman@keyharrington.com>>
Sent: Friday, August 19, 2016 1:39 PM
To: Adam Poncio; Stephen Key
Cc: Bruce Dean; Chris McJunkin; Angela Maldonado
Subject: RE: Espinosa 8/18 status hearing

Adam,

We have some changes, and Stephen will get those to you before 4 pm today. We do not agree with the present notice and consent, so don't send yet. Just a reminder that the Court ordered the attorneys to confer about the notice and consent, and to let the Court know if we couldn't agree. Due to our schedules, we haven't had a chance to get those changes to you yet.

John

John L. Freeman

Key Harrington Barnes, PC
3710 Rawlins Street Suite 950
Dallas, Texas 75219
(214) 615-7925 switchboard or (214) 615-7923 direct dial
(214) 615-7926 facsimile and visit our web site: www.keyharrington.com<<http://www.keyharrington.com>>
[<http://www.keyharrington.com/design/images/j-slide-1.jpg>]<<http://www.keyharrington.com/>>

Dallas Employment Lawyers | Key Harrington Barnes PC<<http://www.keyharrington.com/>>
www.keyharrington.com<<http://www.keyharrington.com>>
Employment problems can disrupt your business and affect your bottom line. Call 214-615-7925 to talk to our Dallas lawyers about potential solutions.

A Worklaw®Network member. www.worklaw.com<<http://www.worklaw.com/>>

CONFIDENTIALITY NOTICE: The information in this e-mail transmission is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and Key Harrington Barnes, PC bears no responsibility for any loss or damage arising in any way from its use.

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

From: Adam Poncio [mailto:SALAW@msn.com]
Sent: Friday, August 19, 2016 1:34 PM
To: John Freeman; Stephen Key
Cc: Bruce Dean; Chris McJunkin; Angela Maldonado
Subject: Re: Espinosa 8/18 status hearing

Here is the notice and consent form being sent out today

Adam Poncio

Board Certified-Labor and Employment Law Board Certified-Civil Appellate Law Texas Board of Legal Specialization

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
(210) 212-7979 Telephone
(210) 212-5880 Facsimile

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This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please destroy and notify the sender immediately. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company.

3. What are my options?

You can make a claim for allegedly unpaid overtime wages and damages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiffs so that it is postmarked or faxed by not later than **October 19, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880** or email it to **FLSA@ponciolaw.com**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiff's attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN. THEY ARE representing Plaintiffs (and other persons who have joined, and who may join, this lawsuit) on a contingent fee basis. This means that if you receive money in this case, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in discovery and/or at trial.

You may choose to hire your own lawyer. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

The attorneys for the Plaintiffs: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com

The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7923 Telephone.

5. Can Defendants retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you may be owed.

**THIS IS A COURT-ORDERED NOTICE,
NOT AN ADVERTISEMENT FROM A LAWYER**

CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. 5:15-cv-00879

Michael Espinosa, et al v. STEVENS TANKER DIVISION, LLC,

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: October 19, 2016 (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin as my attorneys to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____ Date Signed: _____

Address: _____

Phone and Email Address:

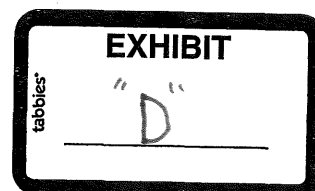
Misty Eubanks

From: Stephen Key
Sent: Friday, August 19, 2016 5:35 PM
To: 'Adam Poncio'
Cc: Bruce Dean; John Freeman; Misty Eubanks
Subject: Re: Espinosa 8/18 status hearing
Attachments: Tanker Dispatchers (Final 8-19-2016).pdf; Notice to Prospective FLSA Class Stevens (SCK Redline).doc; Stevens Notice CONSENT TO JOIN OVERTIME LAWSUIT (SCK Redline).docx

Adam,

Attached please find the revised notice, consent and employee list.

Stephen C. Key



John Freeman

From: Adam Poncio [SALAW@msn.com]
Sent: Friday, August 19, 2016 6:05 PM
To: Stephen Key; John Freeman; Chris McJunkin
Cc: Angela Maldonado
Subject: Re: Espinosa 8/18 status hearing
Attachments: Notice to Prospective FLSA Class Stevens (SCK Redline).doc; Stevens Notice CONSENT TO JOIN OVERTIME LAWSUIT (SCK Redline).docx

Here is the final notice and consent form sent

Adam Poncio
Board Certified-Labor and Employment Law
Board Certified-Civil Appellate Law
Texas Board of Legal Specialization

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
(210) 212-7979 Telephone
(210) 212-5880 Facsimile

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHAEL ESPINOSA,

Plaintiff,

v.

STEVENS TANKER DIVISION, LLC,

Defendant.

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Civil Action No. 5:15-cv-00879-XR

NOTICE TO PRESENT AND FORMER SALARIED DISPATCHERS EMPLOYEES

TO: ~~Current and former~~ Past and present salaried Dispatchers of STEVENS TANKER DIVISION, LLC, who worked at any time from August 11, 2013_ to present and who were- paid a salary and not an hourly wage

RE: ~~Unpaid Hourly Overtime~~ lawsuit against STEVENS TANKER DIVISION, LLC.

1. Why am I getting this notice?

Michael Espinosa, ~~Alice Fay Hart, Krystynn McCaffrey, Kia McChristian, and Heather Shipp~~—("Plaintiffs") have filed a lawsuit against STEVENS TANKER DIVISION, LLC, ("Defendant") seeking to recover unpaid overtime wages allegedly owed to them—him under federal law. Defendant's records show that you work or have previously worked at STEVENS TANKER DIVISION, LLC, ("Tanker Division") as a dispatcher at some time since August 11, 2013, to the present. As a result, you are eligible to participate in the lawsuit, and this Notice is to inform you of your right opportunity to participate in the lawsuit if you choose to. Tanker Division denies that it has violated any laws or that it iwas obligated to pay overtime to dispatchers or that dispatchers were paid less than what they were owed. Instead, it is Tanker Division's position that the dispatchers were salaried employees, exempt from overtime.

2. What is the lawsuit about?

Although salaried, PPlaintiffs alleges that they wasere not paid the required overtime rate for hours worked during weeks in which they worked in excess of forty (40) hours per

workweek. In addition to the overtime wages allegedly owed, Plaintiffs ~~is~~^{are} also asking the Court to award ~~them~~^{him} an amount equal to the overtime wages as liquidated damages, attorneys' fees and costs. Defendant disputes Plaintiff's² claim to the damages alleged. The Court has not decided who is right.

3. What are my options?

If you choose to, you can make a claim for allegedly unpaid overtime wages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiffs so that it is postmarked or faxed by not later than **October _____, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney).** Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiffs' attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN ARE representing Plaintiffs (and other persons who have joined, and who may join, in this lawsuit) on a contingent fee basis. Although there is no guarantee you will receive any money in this case, if you do, This means that if you receive money in this case, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders the Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in a discovery deposition and/or at trial.

You are not required to join this lawsuit. It is entirely your decision. You may choose to hire your own lawyer attorney. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

- a. The attorneys for the Plaintiffs: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com
- b. The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7929 or (214) 615-7923 Telephone.

5. Can Defendants retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you believe may be owed.

THIS IS A COURT-ORDERED APPROVED NOTICE,
BY THE JUDGE ASSIGNED TO THIS CASE AND
THE PARTIES' LAWYERS. THIS APPROVAL IS NOT A
COMMENT ON THE VALIDITY OF THE CLAIMS OR
DEFENSES IN THIS ACTION
NOT AN ADVERTISEMENT FROM A LAWYER

CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. ~~Stevens~~TEVENS Tanker~~ANKER~~ Division, LLC~~CIVISION, LLC~~,

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: _____, - 2016 (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____ Date Signed: _____

Address: _____

Phone and Email Address:

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MICHAEL ESPINOSA,

Plaintiff,

v.

STEVENS TANKER DIVISION, LLC,

Defendant.

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Civil Action No. 5:15-cv-00879-XR

NOTICE TO PRESENT AND FORMER SALARIED DISPATCHERS

TO: Past and present salaried Dispatchers of STEVENS TANKER DIVISION, LLC, who worked at any time from August 11, 2013 to present and who were paid a salary and not an hourly wage

RE: Overtime lawsuit against STEVENS TANKER DIVISION, LLC.

1. Why am I getting this notice?

Michael Espinosa, ("Plaintiff") filed a lawsuit against STEVENS TANKER DIVISION, LLC, ("Defendant") seeking to recover unpaid overtime wages allegedly owed to him under federal law. Defendant's records show that you work or have previously worked at STEVENS TANKER DIVISION, LLC, ("Tanker Division") as a dispatcher at some time since August 11, 2013, to the present. As a result, you are eligible to participate in the lawsuit, and this Notice is to inform you of your opportunity to participate in the lawsuit if you choose to. Tanker Division denies that it has violated any laws or that it is obligated to pay overtime to dispatchers or that dispatchers were paid less than what they were owed. Instead, it is Tanker Division's position that the dispatchers were salaried employees, exempt from overtime.

2. What is the lawsuit about?

Although salaried, Plaintiff alleges that he was not paid the required overtime rate for hours worked during weeks in which he worked in excess of forty (40) hours per workweek. In addition to the overtime wages allegedly owed, Plaintiff is also asking the Court to award him an

amount equal to the overtime wages as liquidated damages, attorneys' fees and costs. Defendant disputes Plaintiff's claim to the damages alleged. The Court has not decided who is right.

3. What are my options?

If you choose to, you can make a claim for allegedly unpaid overtime wages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiff so that it is postmarked or faxed by not later than **October _____, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiffs' attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN ARE representing Plaintiff (and other persons who have joined, and who may join, in this lawsuit) on a contingent fee basis. Although there is no guarantee you will receive any money in this case, if you do, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders the Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in a deposition and/or at trial.

You are not required to join this lawsuit. It is entirely your decision. You may choose to hire your own attorney. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

- a. The attorneys for the Plaintiff: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com
- b. The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7929 or (214) 615-7923 Telephone.

5. Can Defendant retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you believe may be owed.

**THIS IS A COURT-APPROVED NOTICE
BY THE JUDGE ASSIGNED TO THIS CASE AND
THE PARTIES' LAWYERS. THIS APPROVAL IS NOT A
COMMENT ON THE VALIDITY OF THE CLAIMS OR
DEFENSES IN THIS ACTION**

CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. Stevens Tanker Division, LLC,

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: _____, 2016 (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____ Date Signed: _____

Address: _____

Phone and Email Address:

PONCIO LAW OFFICES

A PROFESSIONAL CORPORATION

ADAM PONCIO*

ATTORNEY AT LAW

*BOARD CERTIFIED - CIVIL APPELLATE LAW

TEXAS BOARD OF LEGAL SPECIALIZATION

*BOARD CERTIFIED - LABOR AND EMPLOYMENT LAW

TEXAS BOARD OF LEGAL SPECIALIZATION

salaw@msn.com

5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880

THOMAS N. CAMMACK, III**

ATTORNEY AT LAW

**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

tcammack@ponciolaw.com

ALAN BRAUN**

ATTORNEY AT LAW

**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

abraun@ponciolaw.com

August 22, 2016

VIA FIRST CLASS MAIL

Floyd Tinsley
P. O. Box 866
Stockdale, TX 78160

RE: Cause No.: 5:15-CV-00879-XR; *Michael Espinosa vs. Stevens Tanker Division, LLC*;
In the United States District court-Western District of Texas.

Dear Sir/Madam:

A case was recently filed in federal court against Stevens Tanker Division, LLC for unpaid overtime and wages allegedly owed to its present and former employees. The allegation is the company did not pay dispatch employees for all time and overtime worked and you may be owed unpaid wages. Please read the attached court ordered "Notice to Potential Class Members" and "Consent Form".

Once you have made your decision, all you need to do to participate in the case is to sign and date the consent form. Please feel free to mail the enclosed signed consent form to the firm in the enclosed self-addressed stamped envelope or feel free to fax or email it to the firm. Fill out the information on the form.

As indicated by the form, retaliation by the company against present or former employees is illegal. If you have any questions concerning this matter, please contact the firm at (210) 212-7979 and ask for the Unpaid Wage Department.

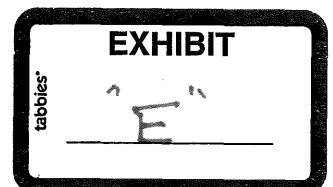
Very Truly yours,

PONCIO LAW OFFICES
A Professional Corporation



ADAM PONCIO

AP/am
Enclosures



CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. Stevens Tanker Division, LLC

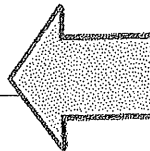
In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: October 21, 2016, (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____



**SIGN
HERE**

Date Signed: _____

Address: _____

Phone and Email Address: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHAEL ESPINOSA,

Plaintiff,

v.

STEVENS TANKER DIVISION, LLC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 5:15-cv-00879-XR

NOTICE TO PRESENT AND FORMER SALARIED DISPATCHERS

TO: Past and present salaried Dispatchers of STEVENS TANKER DIVISION, LLC, who worked at any time from August 11, 2013 to present and who were paid a salary and not an hourly wage

RE: Overtime lawsuit against STEVENS TANKER DIVISION, LLC.

1. Why am I getting this notice?

Michael Espinosa, ("Plaintiff") filed a lawsuit against STEVENS TANKER DIVISION, LLC, ("Defendant") seeking to recover unpaid overtime wages allegedly owed to him under federal law. Defendant's records show that you work or have previously worked at STEVENS TANKER DIVISION, LLC, ("Tanker Division") as a dispatcher at some time since August 11, 2013, to the present. As a result, you are eligible to participate in the lawsuit, and this Notice is to inform you of your opportunity to participate in the lawsuit if you choose to. Tanker Division denies that it has violated any laws or that it is obligated to pay overtime to dispatchers or that dispatchers were paid less than what they were owed. Instead, it is Tanker Division's position that the dispatchers were salaried employees, exempt from overtime.

2. What is the lawsuit about?

Although salaried, Plaintiff alleges that he was not paid the required overtime rate for hours worked during weeks in which he worked in excess of forty (40) hours per workweek. In addition to the overtime wages allegedly owed, Plaintiff is also asking the Court to award him an

amount equal to the overtime wages as liquidated damages, attorneys' fees and costs. Defendant disputes Plaintiff's claim to the damages alleged. The Court has not decided who is right.

3. What are my options?

If you choose to, you can make a claim for allegedly unpaid overtime wages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiff so that it is postmarked or faxed by not later than **October 21, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiffs' attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN ARE representing Plaintiff (and other persons who have joined, and who may join, in this lawsuit) on a contingent fee basis. Although there is no guarantee you will receive any money in this case, if you do, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders the Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in a deposition and/or at trial.

You are not required to join this lawsuit. It is entirely your decision. You may choose to hire your own attorney. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

- a. The attorneys for the Plaintiff: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com
- b. The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7929 or (214) 615-7923 Telephone.

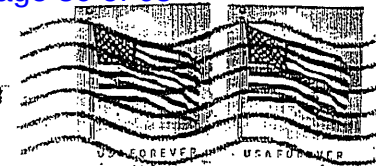
5. Can Defendant retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you believe may be owed.

**THIS IS A COURT-APPROVED NOTICE
BY THE JUDGE ASSIGNED TO THIS CASE AND
THE PARTIES' LAWYERS. THIS APPROVAL IS NOT A
COMMENT ON THE VALIDITY OF THE CLAIMS OR
DEFENSES IN THIS ACTION**

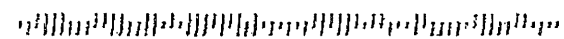
PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
22 AUG 2015 PM 3 L



Floyd Tinsley
P. O. Box 866
Stockdale, Tx 78160

78160-086666



PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550



PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION

3 MICHAEL ESPINOSA §
4 Plaintiff, §
5 v. § Civil Action No. 5:15-cv-879
6 STEVENS TANKER DIVISION, LLC, §
7 Defendant. §

* * * * *

8 ORAL DEPOSITION OF

9 MICHAEL ESPINOSA

10 OCTOBER 07, 2016

11 VOLUME 1 OF 1

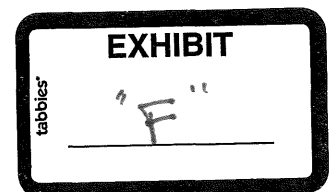
12 * * * * *

13 ORAL DEPOSITION OF MICHAEL ESPINOSA, produced as
14 a witness at the instance of Stevens Tanker Division,
15 represented by Stephen Key of Key, Harrington, Barnes, and
16 duly sworn, was taken in the above-styled and numbered
17 cause on the 7th day of October, 2016, from 10:23 a.m. to
18 4:09 p.m., before Sarah Murphy, CSR in and for the State
19 of Texas, reported by machine shorthand, at the Poncio Law
20 Offices, 5410 Fredericksburg Road, Suite 109, San Antonio,
21 Texas 78229, pursuant to the Federal Rules of Civil and
22 the provisions stated on the record or attached hereto.

23

24

25



A P P E A R A N C E S

FOR MICHAEL ESPINOSA:

MR. STEPHEN C. KEY
KEY HARRINGTON BARNES, P.C.
3710 Rawlins Street, Suite 950
Dallas, Texas 75219
Telephone: (214) 615-7929
Fax: (214) 615-7926
Email: skey@keyharrington.com

FOR STEVENS TANKER DIVISION, LLC:

MR. ADAM PONCIO
MR. THOMAS N. CAMMACK, III
PONCIO LAW OFFICES
5410 Fredericksburg Road, Suite 109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Fax: (210) 212-5880
Email: salaw@msn.com

ALSO PRESENT:

MR. BRUCE DEAN, OBSERVER FOR STEVENS TANKER DIVISION

MS. SARAH MURPHY, TEXAS CERTIFIED SHORTHAND REPORTER

1	I N D E X		
2			PAGE
3	APPEARANCES.....		2
4	THE WITNESS: MICHAEL ESPINOSA		
5	Examination by Mr. Stephen Key.....		5
6	Signature and Changes.....		182
7	Reporter's Certificate.....		184
8	Further Certification.....		186
9	EXHIBITS		
10	NO.	DESCRIPTION	PAGE MARKED
11	Exhibit 1	Plaintiff Original Complaint	24
12	Exhibit 2	Initial Disclosures	30
13	Exhibit 3	Letter for Sabrina Watts	43
14	Exhibit 4	July 21, 2014 e-mail	46
15	Exhibit 5	Pictures	48
16	Exhibit 6	May 14, 2014 e-mail	67
17	Exhibit 7	May 16, 2014 e-mail	71
18	Exhibit 8	July 23, 2014 e-mail	81
19	Exhibit 9	April 29, 2014 e-mail	86
20	Exhibit 10	July 22, 2014 e-mail	95
21	Exhibit 11	August 23, 2014 e-mail	100
22	Exhibit 12	August 24, 2014 e-mail	104
23	Exhibit 13	May 1, 2014 e-mail	108
24	Exhibit 14	September 17, 2014 e-mail	114
25	Exhibit 15	June 25, 2014 e-mail	117

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

1	Exhibit 16	April 30, 2014 e-mail	119
2	Exhibit 17	June 25, 2014 e-mail	122
3	Exhibit 18	September 15, 2014 e-mail	123
4	Exhibit 19	October 15/16, 2014 e-mail	126
5	Exhibit 20	August 21, 2014 e-mail	129
6	Exhibit 21	August 22, 2014 e-mail	131
7	Exhibit 22	May 27, 2014 e-mail	131
8	Exhibit 23	August 23, 2014 e-mail	133
9	Exhibit 24	August 24, 2014 e-mail	139
10	Exhibit 25	August 21, 2014 e-mail	140
11	Exhibit 26	October 3, 2014 e-mail	144
12	Exhibit 27	July 23, 2014 e-mail	153
13	Exhibit 28	October 13, 2014 e-mail	154
14	Exhibit 29	Document	157
15			
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	1	P R O C E E D I N G S
	2	THE REPORTER: We are on the record at
	3	10:23.
	4	Would you please raise your right hand?
	5	(Witness was sworn in)
	6	MICHAEL ESPINOSA,
	7	Having first been duly sworn, testified as follows:
	8	MR. PONCIO: Okay. And just for the
	9	record, we're requesting to read and sign the deposition.
10:23	10	Thank you.
	11	EXAMINATION
	12	BY MR. KEY:
	13	Q. Mr. Espinosa, my name is Stephen Key. I'm the
	14	attorney for Stevens Tanker Division; do you understand
10:23	15	that?
	16	A. Yes, sir.
	17	Q. And we're here today to take your deposition in
	18	regard to the lawsuit that you've initiated against
	19	Stevens Tanker Division; do you understand that?
10:23	20	A. Yes, sir.
	21	Q. Tell me, Mr. Espinosa, do you know a woman by
	22	the name of Sabrina Watts?
	23	A. Yes, sir.
	24	Q. And when is the last time you spoke to
10:23	25	Ms. Watts?

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

10:48	1	allegations. Let's look at Paragraph 12 on Page 3. Do
	2	you see Paragraph 12?
	3	A. Yes.
	4	Q. And I'm looking down at the -- Well, it says --
10:48	5	start with the third sentence, "He worked for the company,
	6	working one week on and one week off." That matches your
	7	testimony here today, correct?
	8	A. Correct.
	9	Q. "During the workweeks worked, he generally
10:48	10	worked about 84 hours but was not paid for overtime or
	11	wages for all hours worked." And the part I'm trying to
	12	understand is what you mean by "or wages for all hours
	13	worked."
	14	A. I guess the time past the 40.
10:49	15	Q. All right. So -- So after 40 hours, which would
	16	have occurred on a typical workweek -- So we're in the
	17	middle of the fourth day, correct?
	18	A. (Witness nodded)
	19	MR. DEAN: He has to say "yes."
10:49	20	MR. KEY: I'm sorry. I'm accepting your
	21	nod, but you have to actually say "yes."
	22	THE WITNESS: "Yes."
	23	Q. (By Mr. Key) Okay. Is it your testimony that
	24	you weren't paid at all after the middle of the fourth
10:49	25	shift?

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

10:49 1 A. I was paid but didn't know if it reflected the
2 hours over or not. It wasn't specified.

3 Q. Okay. So -- So you're not -- you're not
4 claiming that you weren't paid for your hours worked?
10:49 5 You're com -- You're complaining that, "I wasn't paid the
6 extra money that I should have been paid after 40 hours,"
7 correct?

8 A. Correct.

9 Q. But you would agree with me that you weren't
10:50 10 paid -- that your salary of \$50,000 a year was intended to
11 cover seven days on/seven days off?

12 A. Yes.

13 Q. Approximately 12, 13 hours per shift, every
14 other week?

10:50 15 A. Yes.

16 Q. That was the deal, right?

17 I need you to say --

18 A. Yes.

19 Q. -- "Yes."

10:50 20 A. Yes.

21 Q. And you testified earlier that you didn't
22 complain because you didn't know who to complain to; is
23 that correct?

24 A. Correct.

10:50 25 Q. So did you ever attempt to find out who to

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

11:02	1	MR. PONCIO: Objection to the extent it's
	2	asking him to specul --
	3	MR. KEY: I'm not asking any --
	4	MR. PONCIO: Let me finish my objection.
11:02	5	Objection to the extent it's asking him to
	6	speculate on a question of a law and/or a question of fact
	7	for the jury.
	8	MR. KEY: You can answer --
	9	MR. PONCIO: You can answer, if you know.
11:02	10	THE WITNESS: I don't know.
	11	Q. (By Mr. Key) But -- But you were paid for all
	12	the hours you worked? You just weren't paid overtime; is
	13	that correct?
	14	A. That's correct.
11:02	15	Q. Okay. What was your answer?
	16	A. "That's correct."
	17	Q. Okay. Let's go back to Exhibit 1. Look at
	18	Paragraph 13. You have -- You allege there that you
	19	intend to file additional claims with the EEOC for what I
11:03	20	believe to be a disability claim; is that correct?
	21	A. Yes, sir.
	22	Q. Have you brought such an EEOC charge?
	23	A. Yes.
	24	Q. And do you intend to include that in your
11:03	25	lawsuit?

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF TEXAS
 3 SAN ANTONIO DIVISION

3 MICHAEL ESPINOSA §
 4 Plaintiff, §
 5 v. § Civil Action No. 5:15-cv-879
 6 STEVENS TANKER DIVISION, LLC, §
 7 Defendant. §
 * * * * *

8 REPORTER'S CERTIFICATION
 9 ORAL DEPOSITION OF MICHAEL ESPINOSA
 10 OCTOBER 07, 2016

11 I, SARAH MURPHY, a Certified Shorthand Reporter
 12 in and for the State of Texas, hereby certify to the
 13 following:

14 That the witness, MICHAEL ESPINOSA, was duly
 15 sworn by the officer and that the transcript of the oral
 16 deposition is a true record of the testimony given by the
 17 witness;

18 That the deposition transcript was submitted on
 19 Oct 18, 2016 to ADAM PONCIO, the attorney for the witness,
 20 for examination, signature, and return to me by
 21 Nov 21, 2016;

22 That the amount of time used by each party at
 23 the deposition is as follows:

24 Mr. Key: 3 Hours 52 Minutes
 25 Mr. Poncio: 00 Hours 00 Minutes
 Mr. Cammack: 00 Hours 00 Minutes

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

1 That pursuant to information given to the
 2 deposition officer at the time said testimony was taken,
 3 the following includes counsel for all parties of record:

4 Mr. Adam Poncio,
 5 Attorney for Michael Espinosa;
 6 Mr. Stephen Key and John L. Freeman,
 7 Attorney for Stevens Tanker Division, LLC;

8 That a copy of this certificate was served on
 9 all parties shown herein on October 18, 2016

10 I further certify that I am neither counsel for,
 11 related to, nor employed by any of the parties of
 12 attorneys in the action in which this proceeding was
 13 taken, and further that I am not financially or otherwise
 14 interested in the outcome of the action.

15 Certified to by me this 18 ~~18~~ Tuesday, the
 16 18 day October, 2016.

17

18

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Sarah Murphy
 Sarah Murphy
 Texas CSR #9403
 Expiration Date: December 31, 2017

 HOFFMAN REPORTING AND VIDEO SERVICE
 Firm # 93
 206 E. Locust St.
 San Antonio, Texas 78212
 Telephone: (210) 736-3555
 Fax: (210) 736-6679
 www.hoffmanreporting.com

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

FURTHER CERTIFICATION

The original deposition of Michael Espinosa
was/was not returned to the deposition officer on

Nov 15, 2016

If returned, the attached Changes and Signature
page contains any changes and the reasons therefor;

If returned, the original deposition was
delivered by regular / certified / hand delivery /
overnight mail to STEPHEN KEY, Custodial Attorney;

That \$ 1,249.40 is the deposition officer's
charges to THE DEFENDANT for preparing the original
deposition transcript and any copies of exhibits;

That the deposition was delivered and a copy of
this certificate was served on all parties shown herein on
and ~~filed with the Clerk.~~

Certified to by me this 16 day of

November, 2016.

Sarah Murphy

Sarah Murphy
Texas CSR #9403
Expiration Date: December 31, 2017

HOFFMAN REPORTING AND VIDEO SERVICE
Firm # 93
206 E. Locust St.
San Antonio, Texas 78212
Telephone: (210) 736-3555
Fax: (210) 736-6679
www.hoffmanreporting.com

Deposition of Michael Espinosa


Michael Espinosa vs. Stevens Tanker Division, LLC

	CHANGES AND SIGNATURE
1	
2	WITNESS NAME: MICHAEL ESPINOSA DATE: OCTOBER 07, 2016
3	PAGE/LINE CHANGE REASON
4	
5	no changes
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Deposition of Michael Espinosa

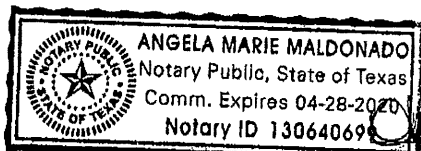
Michael Espinosa vs. Stevens Tanker Division, LLC

1 I, MICHAEL ESPINOSA, have read the foregoing
 2 deposition and hereby affix my signature that same is true
 3 and correct, except as noted above.

4
 5 
 6 MICHAEL ESPINOSA

7
 8
 9 THE STATE OF TEXAS)
 10 COUNTY OF Bexar)

11
 12
 13 Before me, Angela Maldonado on this day
 14 personally appeared MICHAEL ESPINOSA, known to me to be
 15 the person whose name is subscribed to the foregoing
 16 instrument and acknowledged to me that they executed the
 17 same for the purposes and consideration therein expressed
 18
 19 Given under my hand and seal of this office this
 20 8th day of November, 2016.



22 Angela Maldonado
 23 NOTARY PUBLIC IN AND FOR
 24 THE STATE OF TEXAS
 25 LICENSE EXPIRES ON 04-28-2020

PONCIO LAW OFFICES

A PROFESSIONAL CORPORATION

ADAM PONCIO*
ATTORNEY AT LAW
*BOARD CERTIFIED - CIVIL APPELLATE LAW

salaw@msn.com

TEXAS BOARD OF LEGAL SPECIALIZATION
*BOARD CERTIFIED - LABOR AND EMPLOYMENT LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

5410 Fredericksburg Rd., Suite 109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880

THOMAS N. CAMMACK, III**
ATTORNEY AT LAW
**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

tcammack@ponciolaw.com

ALAN BRAUN**
ATTORNEY AT LAW
**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

abraun@ponciolaw.com

September 2, 2016

VIA FIRST CLASS MAIL

Michael Regalado
2303 Goliad Apt 1304
San Antonio, TX 78223

RE: Cause No.: 5:15-CV-00879-XR; *Michael Espinosa vs. Stevens Tanker Division, LLC*; In the United States District court-Western District of Texas.

COURT SET DEADLINE TO RESPOND

Dear Sir/Madam:

As you may already know, a case was filed in federal court against Stevens Tanker Division, LLC for unpaid overtime and wages allegedly owed to its present and former employees. The allegation is the company did not pay dispatch employees for all time and overtime worked and you may be owed unpaid wages. Please read the attached court ordered "Notice to Potential Class Members" and "Consent Form". There is a deadline for responding.

We sent out the first notice letter on August 22, 2016. However, we have not received a response from you, although others have decided to opt in to the class. The absolute deadline to respond is October 21, 2016 but please respond immediately so we can begin processing the claim.

Once you have made your decision, all you need to do to participate in the case is to sign and date the consent form. Please feel free to mail the enclosed signed consent form to the firm in the enclosed self addressed stamped envelope or feel free to fax to 210-212-5880 or email it to the firm at FLSA@ponciolaw.com. Please fill out the contact information on the form.

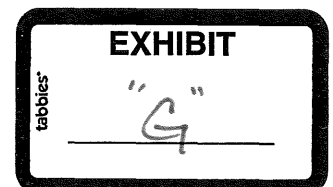
As indicated by the form, retaliation by the company against present or former employees is illegal. If you have any questions concerning this matter, please contact the firm at (210) 212-7979 and ask for the Unpaid Wage Department.

Very Truly yours,

PONCIO LAW OFFICES
A Professional Corporation


ADAM PONCIO

AP/am
Enclosures



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHAEL ESPINOSA,

Plaintiff,

v.

STEVENS TANKER DIVISION, LLC,

Defendant.

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Civil Action No. 5:15-cv-00879-XR

NOTICE TO PRESENT AND FORMER SALARIED DISPATCHERS

TO: Past and present salaried Dispatchers of STEVENS TANKER DIVISION, LLC, who worked at any time from August 11, 2013 to present and who were paid a salary and not an hourly wage

RE: Overtime lawsuit against STEVENS TANKER DIVISION, LLC.

1. Why am I getting this notice?

Michael Espinosa, ("Plaintiff") filed a lawsuit against STEVENS TANKER DIVISION, LLC, ("Defendant") seeking to recover unpaid overtime wages allegedly owed to him under federal law. Defendant's records show that you work or have previously worked at STEVENS TANKER DIVISION, LLC, ("Tanker Division") as a dispatcher at some time since August 11, 2013, to the present. As a result, you are eligible to participate in the lawsuit, and this Notice is to inform you of your opportunity to participate in the lawsuit if you choose to. Tanker Division denies that it has violated any laws or that it is obligated to pay overtime to dispatchers or that dispatchers were paid less than what they were owed. Instead, it is Tanker Division's position that the dispatchers were salaried employees, exempt from overtime.

2. What is the lawsuit about?

Although salaried, Plaintiff alleges that he was not paid the required overtime rate for hours worked during weeks in which he worked in excess of forty (40) hours per workweek. In addition to the overtime wages allegedly owed, Plaintiff is also asking the Court to award him an

amount equal to the overtime wages as liquidated damages, attorneys' fees and costs. Defendant disputes Plaintiff's claim to the damages alleged. The Court has not decided who is right.

3. What are my options?

If you choose to, you can make a claim for allegedly unpaid overtime wages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiff so that it is postmarked or faxed by not later than **October 21, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiffs' attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN ARE representing Plaintiff (and other persons who have joined, and who may join, in this lawsuit) on a contingent fee basis. Although there is no guarantee you will receive any money in this case, if you do, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders the Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in a deposition and/or at trial.

You are not required to join this lawsuit. It is entirely your decision. You may choose to hire your own attorney. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

- a. The attorneys for the Plaintiff: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com
- b. The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7929 or (214) 615-7923 Telephone.

5. Can Defendant retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you believe may be owed.

**THIS IS A COURT-APPROVED NOTICE
BY THE JUDGE ASSIGNED TO THIS CASE AND
THE PARTIES' LAWYERS. THIS APPROVAL IS NOT A
COMMENT ON THE VALIDITY OF THE CLAIMS OR
DEFENSES IN THIS ACTION**

CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. Stevens Tanker Division, LLC

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: October 21, 2016, (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.



Signature: _____

Date Signed: _____

Address: _____

Phone and Email Address: _____

PONCIO LAW OFFICES

A PROFESSIONAL CORPORATION

ADAM PONCIO*

ATTORNEY AT LAW

*BOARD CERTIFIED - CIVIL APPELLATE LAW

TEXAS BOARD OF LEGAL SPECIALIZATION

*BOARD CERTIFIED - LABOR AND EMPLOYMENT LAW

7979

TEXAS BOARD OF LEGAL SPECIALIZATION

THOMAS N. CAMMACK, III**

ATTORNEY AT LAW

**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

ALAN BRAUN**

ATTORNEY AT LAW

**NOT CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

salaw@msn.com

5410 Fredericksburg Rd., Suite 109

San Antonio, Texas 78229-3550

Telephone: (210) 212-

Facsimile: (210) 212-5880

tcammack@ponciolaw.com

abraun@ponciolaw.com

October 14, 2016

VIA FIRST CLASS MAIL

Michael Reglado

2303 Goliad, Apt 1304

San Antonio, Tx 78223

RE: Cause No.: 5:15-CV-00879-XR; *Michael Espinosa vs. Stevens Tanker Division, LLC*; In the United States District court-Western District of Texas.

COURT SET DEADLINE TO RESPOND

Dear Sir/Madam:

As you may already know, a case was filed in federal court against Stevens Tanker Division, LLC for unpaid overtime and wages allegedly owed to its present and former employees. The allegation is the company did not pay dispatch employees for all time and overtime worked and you may be owed unpaid wages. Please read the attached court ordered "Notice to Potential Class Members" and "Consent Form". There is a deadline for responding.

We sent out previous notice letters, but may have been provided an incorrect address for you. We have not received a response from you, although others have decided to opt in to the class. The absolute deadline to respond is October 21, 2016 but please respond immediately so we can begin processing the claim..

Once you have made your decision, all you need to do to participate in the case is to sign and date the consent form. Please feel free to mail the enclosed signed consent form to the firm in the enclosed self addressed stamped envelope or feel free to fax to 210-212-5880 or email it to the firm at FLSA@ponciolaw.com. Please fill out the contact information on the form.

As indicated by the form, retaliation by the company against present or former employees is illegal. If you have any questions concerning this matter, please contact the firm at (210) 212-7979 and ask for the Unpaid Wage Department.

Very Truly yours,

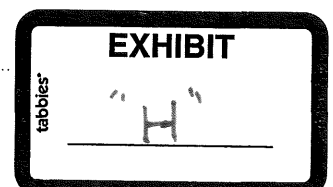
PONCIO LAW OFFICES
A Professional Corporation



ADAM PONCIO

AP/am

Enclosures



CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. Stevens Tanker Division, LLC

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: October 21, 2016, (60 days after mailing date of Notice).

Print Name: _____

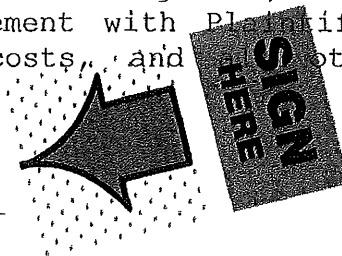
1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.
4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and other matters pertaining to this lawsuit.

Signature: _____

Date Signed: _____

Address: _____

Phone and Email Address: _____



3. What are my options?

You can make a claim for allegedly unpaid overtime wages and damages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiffs so that it is postmarked or faxed by not later than **October 21, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC, Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880** or email it to **FLSA@ponciolaw.com**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiff's attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN. THEY ARE representing Plaintiffs (and other persons who have joined, and who may join, this lawsuit) on a contingent fee basis. This means that if you receive money in this case, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in discovery and/or at trial.

You may choose to hire your own lawyer. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

The attorneys for the Plaintiffs: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com

The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7923 Telephone.

5. Can Defendants retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you may be owed.

**THIS IS A COURT-ORDERED NOTICE,
NOT AN ADVERTISEMENT FROM A LAWYER**

From: Ashleigh Magaña [mailto:ashleighmagana@icloud.com]
Sent: Wednesday, October 19, 2016 4:47 AM
To: whayes@stevenstanker.com
Cc: rford@stevenstanker.com
Subject: Fwd: URGENT/REPLY REQUESTED: Notice to Present and Former Salaried Dispatchers of Stevens Tanker Division LLC

This was sent to my personal email yesterday, just wanted to make y'all aware. I don't know how they obtained my personal email address.

-Ashleigh

Begin forwarded message:

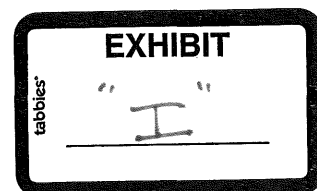
From: Angela Maldonado <amaldonado@ponciolaw.com>
Date: October 18, 2016 at 16:43:10 CDT
To: Angela Maldonado <amaldonado@ponciolaw.com>
Subject: URGENT/REPLY REQUESTED: Notice to Present and Former Salaried Dispatchers of Stevens Tanker Division LLC

Dear Sir/Madam:

As you may already know, a case was filed in federal court against Stevens Tanker Division, LLC for unpaid overtime and wages allegedly owed to its present and former employees. The allegation is the company did not pay dispatch employees for all time and overtime worked and you may be owed unpaid wages. Please read the attached court ordered "Notice to Potential Class Members" and "Consent Form". There is a deadline for responding.

We sent out previous notice letters, but may have been provided an incorrect address for you. We have not received a response from you, although others have decided to opt in to the class. The absolute deadline to respond is October 21, 2016 but please respond immediately so we can begin processing the claim..

Once you have made your decision, all you need to do to participate in the case is to sign and date the consent form. Please feel free to mail the enclosed signed consent form to the firm or feel free to fax to 210-212-5880 or you can also scan and email it back to me. Please fill out the contact information on the form.



As indicated by the form, retaliation by the company against present or former employees is illegal. If you have any questions concerning this matter, please contact the firm at (210) 212-7979 and ask for Angela Maldonado.

Very Truly Yours,

Angela Maldonado

Poncio Law Offices, P.C.

5410 Fredericksburg Rd., Suite 109

San Antonio, TX 78229

(210) 212-7979 Telephone

(210) 212-5880 Facsimile

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please destroy and notify the sender immediately. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MICHAEL ESPINOSA,

Plaintiff,

v.

STEVENS TANKER DIVISION, LLC,

Defendant.

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Civil Action No. 5:15-cv-00879-XR

NOTICE TO PRESENT AND FORMER DISPATCH EMPLOYEES

TO: Current and former Dispatchers of STEVENS TANKER DIVISION, LLC, who worked at any time from October 12, 2012, to the present and who were paid a salary and not an hourly wage

RE: Unpaid Hourly Overtime lawsuit against STEVENS TANKER DIVISION, LLC.

1. Why am I getting this notice?

Michael Espinosa ("Plaintiff") has filed a lawsuit against STEVENS TANKER DIVISION, LLC, ("Defendant") to recover unpaid overtime wages allegedly owed under federal law. Defendant's records show that you work or have previously worked at STEVENS TANKER DIVISION, LLC, as a dispatcher at any time since October 12, 2012, to the present. As a result, you are eligible to participate in the lawsuit, and this Notice is to inform you of your right to participate in the lawsuit.

2. What is the lawsuit about?

Plaintiff alleges that he was not paid the required overtime rate for hours worked during weeks in which he worked in excess of forty (40) hours per workweek. In addition to the overtime wages allegedly owed, Plaintiff is also asking the Court to award him an amount equal to the overtime wages as liquidated damages, and attorneys' fees and costs. Defendant disputes Plaintiff's claim to the damages alleged. The Court has not decided who is right.

3. What are my options?

You can make a claim for allegedly unpaid overtime wages and damages in this case. To do so, you must fill out the enclosed Notice of Consent, sign it and return it to the attorney representing Plaintiffs so that it is postmarked or faxed by not later than **October 21, 2016 (60 days from the date this Notice was mailed to you by Plaintiff's attorney)**. Your Consent form should be mailed to: **STEVENS TANKER DIVISION, LLC. Collective Action, c/o Poncio Law Offices, P.C., 5410 Fredericksburg Road, Suite 109, San Antonio, Texas 78229-3550** or you may fax it to **(210) 212-5880** or email it to **FLSA@ponciolaw.com**. If you complete, sign and timely return your Consent form to join this case, you will be represented by Plaintiff's attorneys, Adam Poncio, PONCIO LAW OFFICES, P.C. PONCIO LAW OFFICES, P.C. AND ATTORNEY CHRIS MCJUNKIN. THEY ARE representing Plaintiffs (and other persons who have joined, and who may join, this lawsuit) on a contingent fee basis. This means that if you receive money in this case, a percentage of your recovery will go to PONCIO LAW OFFICES, P.C. AND CHRIS MCJUNKIN, unless the Court orders Defendant to pay these fees separately or Defendant agrees to pay fees as part of any settlement. If you decide to participate in this case, you may be required to provide documents, information relevant to your claim and/or testify in discovery and/or at trial.

You may choose to hire your own lawyer. If you do hire your own attorney, you will not be a part of this case and will not receive any additional wages through this case, should it be found in this case that you were eligible to receive them.

You do not have to do anything if you do not wish to join this case or hire your own lawyer.

4. How may I get more information?

If you have questions about joining the lawsuit, you may get more information by calling:

The attorneys for the Plaintiffs: Adam Poncio with PONCIO LAW OFFICES, P.C., (210) 212-7979; or (800) 212-7979 or by email at FLSA@ponciolaw.com

The attorneys for Defendant: Stephen C. Key, John L. Freeman, Key Harrington Barnes, PC, 3710 Rawlins St., Suite 950, Dallas, TX 75219, (214) 615-7923 Telephone.

5. Can Defendants retaliate against me?

No. It is against federal law for Defendant to retaliate against you or any present or former employee for filing a claim to recover wages that you may be owed.

**THIS IS A COURT-ORDERED NOTICE,
NOT AN ADVERTISEMENT FROM A LAWYER**

CONSENT TO JOIN OVERTIME LAWSUIT

Civil Action No. SA-5:15-cv-879-XR

Michael Espinosa v. Stevens Tanker Division, LLC

In the United States District Court for the Western District of Texas, San Antonio Division.

Court-imposed deadline to return this Consent Form is: October 21, 2016, (60 days after mailing date of Notice).

Print Name: _____

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.

2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.

3. I designate Adam Poncio of Poncio Law Offices, P.C. and Chris McJunkin Law Office as my attorney to prosecute my wage claims.

4. I consent to the named Plaintiff, Michael Espinosa, in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____

Date Signed: _____

Address:

Phone and Email Address:

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION

3 MICHAEL ESPINOSA

§

§

4 Plaintiff,

§

§

5 v.

§ Civil Action No. 5:15-cv-879

§

6 STEVENS TANKER DIVISION, LLC,

§

§

7 Defendant.

§

* * * * *

8 ORAL DEPOSITION OF

9 MICHAEL ESPINOSA

10 OCTOBER 07, 2016

11 VOLUME 1 OF 1

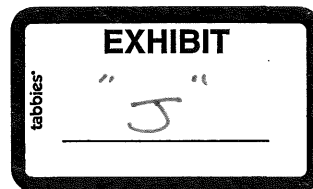
12 * * * * *

13 ORAL DEPOSITION OF MICHAEL ESPINOSA, produced as
14 a witness at the instance of Stevens Tanker Division,
15 represented by Stephen Key of Key, Harrington, Barnes, and
16 duly sworn, was taken in the above-styled and numbered
17 cause on the 7th day of October, 2016, from 10:23 a.m. to
18 4:09 p.m., before Sarah Murphy, CSR in and for the State
19 of Texas, reported by machine shorthand, at the Poncio Law
20 Offices, 5410 Fredericksburg Road, Suite 109, San Antonio,
21 Texas 78229, pursuant to the Federal Rules of Civil and
22 the provisions stated on the record or attached hereto.

23

24

25



Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

03:13	1	A. No.
	2	Q. Do you -- What communications have you had with
	3	other opt-ins?
	4	A. I haven't.
03:13	5	Q. None at all?
	6	A. Not on this.
	7	Q. Not on what?
	8	A. Not on this.
	9	Q. So you have had some communications with them,
03:13	10	just not about this case?
	11	A. Yes. Those that I've remained friends with and
	12	in contact with.
	13	Q. All right. Who have you had communication with
	14	among the opt-ins to this case?
03:14	15	A. I don't know. I don't know who the opt-ins are.
	16	Q. Any?
	17	A. Sabrina. But we don't talk about this.
	18	MR. KEY: Can you pull up the opt-in list?
	19	Q. (By Mr. Key) Fay Hart opted into this lawsuit.
03:14	20	Do you know a Fay Hart?
	21	A. No, sir.
	22	Q. Have you ever had any communication with an
	23	individual by the name of Fay Hart?
	24	A. I don't know who that is.
03:15	25	Q. So is that a "no"?

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

03:15	1	A. No.
	2	Q. Krystynn McCaffrey?
	3	A. No.
	4	Q. No? Do you know who that is?
03:15	5	A. No.
	6	Q. Have you ever had any communications with anyone
	7	who held themselves out by the name Krystynn Y. McCaffrey?
	8	A. I worked with a "Krystynn," but I never knew the
	9	last names.
03:15	10	Q. And since -- since leaving Stevens Transport --
	11	let me make it easier.
	12	In the last six months, have you had any
	13	communications with anyone named Krystynn who you knew to
	14	be a former employee of Stevens Transport -- or --
03:15	15	A. No, sir.
	16	Q. -- Tanker Division?
	17	A. No, sir.
	18	Q. Kiya McChristian?
	19	A. No.
03:16	20	Q. "No," you don't know who that is?
	21	A. No, I don't know who that is.
	22	Q. Have you had any communications with anybody in
	23	the last six months named Kiya? And it's possible I'm
	24	mispronouncing it. It's -- It's K-I-Y-A.
03:16	25	A. No, sir.

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

03:16	1	Q. Lorrie Ellen Merritt?
	2	A. No, sir.
	3	Q. Mark Elwin Murray?
	4	A. I worked with a "Mark," but I don't know if
03:16	5	that's him.
	6	Q. Have you had any communications in the last six
	7	months with an individual named Mark who you knew to be a
	8	former employee or current employee of Stevens Tanker
	9	Division?
03:16	10	A. No, sir.
	11	Q. Same question with Heather Shipp.
	12	A. No, sir.
	13	Q. No communications in the last six months?
	14	A. No, sir.
03:16	15	Q. Melissa Wooten?
	16	A. No, sir.
	17	Q. Robert Zook?
	18	A. I worked with a Robert. I don't know if that's
	19	the same one, but, no.
03:17	20	Q. No communications?
	21	A. No communications.
	22	Q. Have you -- Have you reached out in any form --
	23	e-mail, telephone, texting, person-to-person, any form of
	24	contact with your former -- or -- yeah, your former
03:17	25	coworkers at Tanker Division for the purpose of getting

Deposition of Michael Espinosa

Michael Espinosa vs. Stevens Tanker Division, LLC

03:17 1 them to opt-in to this lawsuit?

2 A. No, sir.

3 Q. Not at all?

4 A. No.

03:17 5 Q. Have you been provided with a list of current
6 and former dispatchers by your counsel and asked to assist
7 in soliciting new cust -- new clients?

8 A. No, sir.

9 Q. In July of 2014, do you recall if you were night
03:18 10 shift or day shift?

11 A. No, sir.

12 Q. Approximately how long was your employment when
13 you switched from nights to days?

14 A. I don't remember.

03:18 15 (Exhibit Number 27 marked)

16 Q. (By Mr. Key) The document in front of you is
17 marked 27. It's an e-mail from you on July 23rd, 2014,
18 5:50 a.m. Would you agree with me that that's true? This
19 is an e-mail from you?

03:18 20 A. Yeah. But I don't -- yes.

21 Q. And do you recognize the -- the content of that
22 e-mail as being a -- a -- a screen grab of the Omnitrac
23 system?

24 A. I don't remember what this is.

03:19 25 Q. So it's -- it's a -- it's an e-mail you sent